In the United States District Court for the Middle District of Alabama Northern Division

MELVIN LOWE,

Plaintiff,

-vs- Case No. 2:05-cv-0495

Montgomery County Board OF Education, et al.,

Defendants.

DEFENDANTS' MOTION TO EXTEND DEADLINE TO FILE DISPOSITIVE MOTIONS

COME NOW the Defendants, Montgomery County Board of Education, Vickie Jernigan, Mark LaBranche, Tommie Miller, Mary Briers, Dave Borden, Henry A. Spears, Beverly Ross, and Dr. Carlinda Purcell (hereinafter referred to collectively as "these Defendants"), by and through their counsel of record, and submit the following Motion to Extend Deadline to File Dispositive Motions. In support of said motion, counsel state as follows:

- 1. Pursuant to the Uniform Scheduling Order governing this matter, dispositive motions are due no later than Monday, March 27, 2006.
- 2. The parties have conducted and continue to conduct discovery in this matter and have been required to and will continue to obtain extensive information from multiple Board of Education employees.
- 3. By its own fault, Counsel for Defendants did not realize that the week preceding the instant deadline fell during the Spring Break for Montgomery Public Schools. Counsel is experiencing difficulty obtaining the information necessary both to file an appropriate dispositive motion as well as respond to requested discovery by Plaintiff's counsel.
- 4. Counsel for Defendants request an extension of the dispositive motions deadline of one week to April 3, 2006 so that dispositive motions can be adequately prepared and discovery can be responded to appropriately.
- 5. Counsel for the parties have conferred by phone on this date and Plaintiff's counsel has no objection to the granting of this motion.

- The pretrial of this matter is scheduled for June 23, 2006 and the trial of this matter has recently been rescheduled to September 18, 2006.
- Defendants' counsel fully recognizes its obligation to comply with this Court's deadlines as well as the Court's need for adequate time to consider dispositive motions prior to trial. Counsel does not make the instant motion lightly and this motion is not made for the purpose of delay.

WHEREFORE, the foregoing premises considered, counsel respectfully requests that this Honorable Court extend the motion to file dispositive motions by one week, up to and including April 3, 2006.

DATED THIS the 21st day of March, 2006.

MONTGOMERY COUNTY BOARD OF EDUCATION, VICKIE JERNIGAN, MARK LABRANCHE, TOMMIE MILLER, MARY BRIERS, DAVE BORDEN, HENRY A. SPEARS, BEVERLY ROSS, and DR. CARLINDA PURCELL, Defendants,

By: /S/ James R. Seale

James R. Seale (3617-E-68J) Elizabeth Brannen Carter (3272-C-38-E) Jayne L. Harrell (6544-Y-85H) HILL, HILL, CARTER, FRANCO, COLE & BLACK, P.C. Post Office Box 116 Montgomery, Alabama 36101-0116 (334) 834-7600 (334) 263-5969 - fax E-mail: jrs@hillhillcarter.com E-mail: ecarter@hillhillcarter.com

E-mail: jharrell@hillhillcarter.com Counsel for Defendants

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date electronically filed the foregoing *Defendants' Motion* to Extend Deadline to File Dispositive Motions with the Clerk of the Court for the United States District Court, for the Middle District of Alabama, using the CM/ECF system which will send notification of such filing to: William F. Patty, Esquire (bpatty@beersanderson.com) this the 21st day of March, 2006.

/S/ James R. Seale